

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, August 11, 2014

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9 am by Chairman Zimmerman.

1. Decision Required: Violation

RE: Gary Zorechak and
Barbara Zorechak
for the use of Frederick
Wine House LLC
t/a Frederick Wine House
7820 Wormans Mill Rd.
Suite L
Frederick, MD 21701
Class A, Beer and Wine
License Number 11AW 2144 SU WT
FCLB Case Number: 7478

The Board held a violation hearing for the charge of selling an alcoholic beverage to a minor. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The licensees did not offer a plea. Mr. Zorechak stated he purchased a \$30,000 computer to help prevent these problems from happening and trained all of his employees. Mr. Baldi, the employee was fired. Findings of Fact: Did the clerk either directly or through an employee knowingly sell an alcoholic beverage to a minor on February 10, 2014? The Board found unanimously that the licensees were guilty. Ms. Vahle stated the license was issued on January 15, 2008 at the location on 7th Street and they moved on May 27, 2012. There was a Sales to Minors Violation on May 9, 2011 with a \$500 fine and 30 days suspension which was put on probation for 1 year.

MOTION: Mrs. Hays made a motion of Guilty.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

MOTION: Mr. Stup made a motion for no fine with 30 days suspension, suspended for a 6 month probation period.

There was no second.

MOTION: Mrs. Hays made a motion for a \$500 fine with 30 days suspension, suspended for a 6 month probation period.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

2. Decision Required: Violation

RE: Minaxi Patel for the use of
BHAKTIH, LLC
t/a Village Mart Beer and
Wine
8301 River Run Rd.

Frederick, MD 21701
Class A, Beer and Wine
License Number 11AW 1170 SU WT
FCLB Case Number: 7483

The licensee did not appear at the Public Hearing, and will pay a \$100 postponement fee. The Public Hearing will be rescheduled.

MOTION: Mr. Stup made a motion to postpone the Hearing and the licensee will pay a \$100 fee.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

3. Decision Required: Violation

RE: Paul Throne, Peggy Throne
and Richard Throne
for the use of Shopping
Center Liquors LLC
t/a Ye Old Spirit Shop
1005 W. 7th St.
Frederick, MD 21701
Class A, Beer, Wine and Liquor
License Number 11AL 1013 SU BWLT
FCLB Case Number: 7481

The Board held a violation hearing for the charge of selling an alcoholic beverage to a minor. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The licensees pled Guilty. Mr. Paul Throne stated he purchased a legal age monitor device to scan driver's licenses and tells his employees every day to check ID's. The clerk did check the patron's ID but miscalculated the age. Ms. Vahle stated the license was issued on February 12, 2009 and on June 13, 2011 there was a Sales to Minors Violation and paid a fine

of \$400 and on May 28, 2013 picked up their renewal a day late and paid a \$50 No Contest Letter.

MOTION: Mr. Stup made a motion for a \$400 fine with a 30 days suspension, suspended with a probation period of 6 months.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

4. Decision Required: New/Continuation

RE: Pornchai Rungrojcharoenkit
and Pallop Charenvootitam
for the use of JJJ Group LLC
t/a Lazy Fish
10 E Patrick St.
Frederick, MD 21701

Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle stated this case was continued from July 28 as one of the applicants did not appear. Ms. Vahle swore in the applicants (See Sign In Sheet). The pending item is: the Fire Marshal. The applicant stated the Fire Marshal had approved the location. Inspector Shrum stated they are compliant. The applicant said they may not be ready to open for 6 months because their chef is ill. If they can find a new chef they will open earlier.

MOTION: Mr. Stup made a motion for a conditional approval for November 10, 2014.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

5. Decision Required: Approval of the Public Meeting Minutes for July 28, 2014.

Mr. Stup had a correction on page 5, top of page, in the motion, second sentence to read, “and the patio area will continue to be used for food and alcohol”.

MOTION: Mr. Stup made a motion to approve the Minutes for July 28, 2014 as amended.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

6. **Wilcom’s Inn** – Mr. Stup was concerned that there were a number of violations and this establishment needs to be looked at more even if they pay their fines. Ms. Vahle stated they will appear for other violations on August 25th.
7. **Guido’s** – Mr. Stup stated since they had a Hearing about six months ago and their past history was having issues with the Comptroller’s Office, he would like to be more proactive and discuss their issues and suggested a conference with the Board.
8. **Officer’s Appearing** – Mrs. Thall requested that the Police Department notify the Board when an Officer cannot appear for a Hearing. Ms. Vahle said she would discuss this with the Frederick City Police Department.

ADJOURN

The meeting was adjourned at 10:20AM.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees